

REMARKS

Claims 20-39 remain in this application. Reconsideration and review of the application is respectfully requested.

Before responding to the Examiner's rejection based on the prior art, a brief description of the present application is provided. The present application is directed toward a method and apparatus for utilizing resources on a shared client network environment. In one embodiment, clients in the shared network are stateless Desktop Unit (DTU) that process information without any knowledge of previous/subsequent information. In a nutshell, the present invention provides a system and method in which when a particular user session (801 or 802) within the shared client server (800) is disassociated with a DTU (811 or 812), one or more **applications** (within the particular user session) stop or reduce consumption of one or more resources from the client server (800). Specifically, the client server (800) determines when an application (803, 804, 805, 806, 807, or 808) within a user session (801 or 802) becomes inactive. A first signal (e.g., a message, an instruction, or a command) is then sent to the application to indicate that the application should stop or reduce consumption of one or more resources (809) within the server (800). The server (800) then determines when the application should resume activity and sends a second signal to the application to resume or increase consumption of the one or more resources within the client server. This management of the one or more resources within the shared client server is effected transparently (e.g., via an application filter), below the notice of (or independently from) the applications within the particular user session. That is, the applications are not modified within the present network environment in any way.

More specifically, in one embodiment, the server (800) comprises a separate filter (810) that carries out the resource management functions of the applications (803, 804, 805, 806, 807, and/or 808) within the user session (801 or 802). This filter (810) is

used to filter out one or more (or a list) of the applications that should stop or reduce consumption of the one or more resources (809). The present filter (810) is an asynchronous resource management mechanism because it does not alter the executable instructions of the applications to carry out its resource management functions and does not have to intercept the applications at the entry points. The present filter (810) is separated from and operates alongside the functions of the applications and reaches into the applications to control their resource consumption. Thus, the applications are not modified in any way. In addition, the present invention can operate on any application without relying on particular interactions with the application (e.g., with an operating system or a Window system). By using a separate filter to control the resource consumption of an application, the present invention can manage resource allocations for complex applications or sets of applications.

In the present Office Action, the Examiner has withdrawn the previous claim rejections under 35 U.S.C. §103(a) as being unpatentable over Spilo in view of Susai and/or Tushie. Nonetheless, the Examiner has now rejected the claims based on new grounds by combining a newly cited reference, Peterson, with Spilo, Susai, and/or Tushie. Specifically, the Examiner has rejected Claims 20-23, 25-30, and 36-39 under 35 U.S.C. §103(a) as being unpatentable over Spilo and Susai in view of Peterson. Claims 31-32 and 34-35 are rejected under §103(a) as being unpatentable over Spilo in view of Peterson. Claims 24 and 33 are rejected under §103(a) as being unpatentable over Spilo (and Susai) and Peterson in view of Tushie. These rejections are respectfully traversed.

In the present Office Action, by the withdrawal of the previous grounds of rejections, the Examiner acknowledges that none of the previously cited references (i.e., Spilo, Susai, and Tushie) disclose or suggest each and every limitation of the claims. See paragraph 3 of the present Office Action and the Applicants' response submitted on October 17, 2003. For example, with respect to Claim 20, the Examiner acknowledges that Spilo and Susai do not disclose or teach:

filtering said application from said plurality of applications served from said client server via a filter located within said client server and separated from said plurality of applications.

Instead, the Examiner asserts that the newly cited reference, Peterson, teaches the above limitation. See paragraph 6. But, Peterson does not make up for the above deficiency because it does not disclose, suggest, or teach a filter for filtering an application from a plurality of applications. Peterson only discloses a server filter object 78 that blocks (or filters) request packets (IRPs or request messages) via a server application 86 from reaching a device driver 82 in a server. Specifically, the server filter object 78 blocks "any IRPs (e.g., via a server application 86) from reaching the device driver 82 other than those originating from the client filter driver 68." See Col. 5, lines 16-25. After an IRP has been communicated from the client filter object 68 to the server filter object 78, the server filter object returns a status and any data (e.g., to indicate a path failure) back to the client filter object. See Col. 6, lines 32-67. Accordingly, Peterson is solely directed to blocking (or gate keeping or filtering) driver **request packets** (or request messages), not **applications**, in order to ensure that a server receives only request packets from its corresponding client interface and not from another interface (i.e., blocking any IRPs "other than those originating from the client filter driver 68"). Thus, Peterson does not disclose or suggest "**filtering said application from said plurality of applications**" as defined in independent Claim 20 (emphasis added).

In addition, by its showing (and as the Examiner points out in paragraph 6 of the Office Action) of a server filter object 78 that sends out a status to its corresponding client ("shows that server Netdevice Object sent out a status"), Peterson may actually teach away from the use of a stateless DTU (that process information without any knowledge of previous/subsequent information) as also recited in Claim 20.

Moreover, the Examiner again asserts that Spilo discloses a stateless DTU. However, as already presented in the Applicants' previous response dated October 17,

2003, Spilo is directed to nothing more than a traditional state machine (i.e., a Windows or a Windows 95 based personal computer) that may not even be associated with a traditional network computer network architecture. The present invention as recited in independent Claim 20, on the other hand, is directed to a **stateless** machine in a shared client computing architecture. Accordingly, the cited references (including Spilo) do not disclose, teach, or suggest the stateless machine (i.e., the DTU) of the present invention and Claim 20 should be allowable for this additional reason.

Similar limitations, which are neither disclosed in nor suggested by the cited references, are present in independent Claim 36.

Independent Claim 31 should also be allowable for its recitations of a client server serving a plurality of applications to a stateless Desktop Unit (DTU), the client server comprising:

a filter for managing consumption of said resource;

wherein said filter is separated from said plurality of applications;

a first session associated with a user on a first stateless DTU;

wherein said first session is disassociated with said first DTU, indicating that said first session is inactive;

a first signal transmitted from said filter to at least one member of said plurality of applications indicating that said at least one member should stop consuming said resource;

wherein said first session associated with said user becomes re-associated with any stateless DTU, indicating that said session has resumed activity; and

a second signal transmitted from said filter to said at least one member indicating that said at least one member should resume consuming said resource (emphasis in underline added).

To reiterate, the addition of Peterson (on filtering a request packet that an application may or may not generate) in the present Office Action does not now establish a *prima facie* case of obviousness because the cited references do not teach all the limitations of Claims 20, 31, or 36 (e.g., a filter for managing resource consumption or filtering an application from a plurality of applications). Moreover, there is no motivation in or outside of the cited references to combine Peterson with the other references made of record and the combination of Peterson may actually teach away from the limitations recited in Claims 20, 31, and 36 (e.g., a stateless DTU).

Accordingly, the Applicants respectfully request the withdrawal of the rejections based on Peterson in combination with the other references (i.e., Spilo Susai, and Tusai). Claims 21-30 depend either directly or indirectly on Claim 20. Claims 32-35 depend either directly or indirectly on Claim 31. Claims 37-39 depend on Claim 36. The dependent claims should be allowed for at least the reason that they depend on an allowable base claim (i.e., either Claims 20, 31, or 36).

In addition, it appears to the Applicants that the newly cited reference (Peterson) in the present Office Action was published and available to be considered at the time of the last Office Action dated July 17, 2003. Accordingly, the Applicants object to the piecemeal examination of the present application. See MPEP §§ 706.04; see also 707.07(g) (i.e., "Great care should be exercised in authorizing such a rejection" and an examination "should reject each claim on all valid grounds available" to avoid piecemeal examination).

Moreover and pursuant to the MPEP, the Applicants respectfully request an element-by-element examination of the claims in the present application with the particular part(s) of the reference(s) relied upon to be designated as nearly as possible, as well as the reason(s) for the rejection(s) to be clearly explained so that the record is straight for appeal or discussion with the Supervisory Patent Examiner (SPE). See MPEP § 706.

Serial No. 09/513,652
February 23, 2004
Page 14

In view of the foregoing, the Applicants respectfully submit that Claims 20-39 are in condition for allowance. Reconsideration and withdrawal of the rejections is respectfully requested, and a timely Notice of Allowability is solicited. To the extent it would be helpful to placing this application in condition for allowance, the Applicants encourage the Examiner to contact the undersigned counsel and conduct a telephonic interview.

While the Applicants believe that no fees are due in connection with the filing of this paper, the Commissioner is authorized to charge any shortage in the fees, including extension of time fees, to Deposit Account No. 50-0639.

Respectfully submitted,



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